

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 21, 2005**

DIVISION TWO

B170083 People (Not for Publication)  
v.  
Byrd

The judgment is modified to reduce the number of appellant's good time/work time credits to 148. In all other respects, the judgment is affirmed. The superior court is ordered to correct the abstract of judgment accordingly and to forward a corrected copy to the Department of Corrections.

Boren, P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

B178488 People (Certified for Publication)  
v.  
Kenneth S.

The order granting respondent's motion for new trial and dismissing the action is reversed, the trial court's original findings at the adjudication hearing are reinstated and the matter is remanded for a dispositional hearing.

Boren, P.J.

We concur: Ashmann-Gerst, J.  
Suzukawa, J. (Assigned)

September 21, 2005 (Continued)

DIVISION TWO (Continued)

B175005      Bennett, Jr., et al.                      (Not for Publication)

v.

Regents of the University of California

The judgment (order denying class certification) is affirmed.

Boren, P.J.

We concur:    Doi Todd, J.

Suzukawa, J. (Assigned)

B174884      People    (Not for Publication)

v.

Franklin

The judgment is affirmed.

Boren, P.J.

We concur:    Ashmann-Gerst, J.

Suzukawa, J. (Assigned)

B169150      People    (Not for Publication)

v.

Muruato

The judgment is affirmed.

Doi Todd, J.

We concur:    Boren, P.J.

Ashmann-Gerst, J.

September 21, 2005 (Continued)

## DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

B177314      Johnson  
v.  
Antelope Valley Union High School District

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

## DIVISION THREE

Court convened at 9:30 a.m.

Present: Croskey, Acting P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B180829	Children and Family Services v. Michelle V.
B182424	Children and Family Services v. Vilma R.

Argument waived, cause submitted.

B181356 Hoffman  
v.  
Gaglio

Merits:  
Argued by Michael Brown for appellant and by Randall Greer for  
respondent. Cause submitted

DIVISION THREE (Continued)

B176390     Oakland, et al.  
              v.  
              Rice, et al.

Merits:  
Argued by Steven L. Zelig for appellants and by Robert J. Rice for  
respondents. Cause submitted.

B173322     Martinson  
              v.  
              Jones

Merits:  
Argued by Gene Koon for appellant and by James F. Lindsay for  
respondent. Cause submitted.

B178920     Meza  
              v.  
              H. Muehlstein & Co., Inc., et al.

Merits:  
Argued by Gregory Coolidge for appellant and by Curtis Parvin for  
respondents. Supplemental letter brief due by the appellant on October 7,  
2005, response due by the respondents on October 14, 2005. Submission  
deferred.

Court recessed at 11:04 a.m.

Court reconvened at 1:30 p.m.

Croskey, Acting P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B180420 People v. Augustine  
B179870 People v. Senegar  
B179297 People v. Bounpraseuth  
B171847 People v. Andreas

DIVISION THREE (Continued)

Argument waived, cause submitted.

B174255     Ney, et al.  
              v.  
              Murray

Merits:

Argued by Michael R. Blaha for appellant and by Jay Woollacott for respondent. Cause submitted.

B178164     Garay  
              v.  
              Southern California Permanente Medical Group

Merits:

Argued by Roxanne Huddleston for appellant and by Thomas Kaufman for respondent. Cause submitted.

B167858     Daily  
              v.  
              Kaiser Foundation Hospitals

Merits:

Argued by Frederick Scott Page for appellant and by Norman Pine for respondent. Cause submitted.

B170235     Daily  
              v.  
              Kaiser Foundation Hospitals, Inc.

Merits:

Argued by Helena Wise for appellant and by Frederick Scott Page for respondent. Substitution of attorney to be filed for the appellant by October 3, 2005. Submission deferred.

Court adjourned.

September 21, 2005 (Continued)

DIVISION FIVE

B181441      People                                  (Not for Publication)  
v.  
Terance L. Robbins

The judgment is affirmed.

Turner, P.J.

We concur: Mosk, J.  
Kriegler, J.

B178165      Mike Hale                      (Not for Publication)  
v.  
Michael Jowett et al.

The order awarding Jowett costs and attorney fees is reversed. Costs on appeal are awarded to Hale.

Kriegler, J.

We concur:   Armstrong, Acting P.J.  
                   Mosk, J. (With opinion)

B183649      Evelia M. et al      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

For the foregoing reasons, the petition for extraordinary relief is denied. This opinion shall become final immediately upon filing. (Cal Rules of Court, rule 24(b)(3).)

Armstrong, J.

We concur:   Turner, P.J.  
                     Mosk, J.

September 21, 2005 (Continued)

DIVISION FIVE (Continued)

B179971 People (Not for Publication)  
v.  
Pamela Crumm

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                     Mosk, J.

B174938 People (Not for Publication)  
v.  
Eric Lu et al

The sentences for assault are ordered stayed pursuant to section 654 as to both appellants. The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                     Mosk, J.

## DIVISION SEVEN

B175221 Simon Marketing, Inc. (Not for Publication)  
v.  
PriceWaterhouseCoopers

The judgment is reversed. Simon is to recover its costs on appeal.

Perluss, P.J.

We concur:   Johnson, J.  
                      Woods, J.

## DIVISION EIGHT

B181116 People (Not for Publication)  
v.  
Gillespie

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

B174844 Essex Insurance Company, (Not for Publication)  
v.  
Ramirez et al.

The judgment is affirmed with respect to policy coverage of the theft. It is reversed as to the finding of bad faith and the assignees' entitlement to attorney's fees. The trial court is directed to enter a judgment that Essex did not act in bad faith in denying coverage and that the assignees are not entitled to attorney's fees. Each party is to bear its own costs on appeal.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

B179552 Westgate  
v.  
Palos Verdes Family & Immediate Medical Care Center

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed October 29, 2004, partial dismissal.) dismissed.